APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,344	12/06/2001	Yi Sik Chae	LT-0008	5265

			EXAMINER
34610	7590	11/03/2006	VU, THONG H

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ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 October 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-7 and 10-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-7,10-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

1.   Claims 1-7,10-21 are pending. Claims 8-9 are canceled.

Response to Arguments

2.   Applicant's arguments, see pages 8-12, filed10/13/06, with respect to the

rejection(s) of claim(s) 1-7,10-21 under Takagi have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of Fernandez-Garner.

Claim Rejections - 35 USC § 102

.The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fernandez et al [Fernandez 6,697,103 B1].

3.   As per claim 1, Fernandez discloses A method of providing a file transfer service

through a mobile communication network [Fernandez, GPS, col 1 line 38; electronic file

transfer, col 14 line 50], comprising:

        storing a data file and transfer conditioning information <u>at a server, the data file</u>

<u>and the transfer conditioning information having been</u> received from a first mobile

terminal connected through the mobile communication network [Fernandez, server, col

3 line 19; other measurable object condition for electronic accessible, col 9 lines 25-

37,col 12 lines 5-20];

transmitting information for transferring the data file through the mobile

first network <u>being</u> based on the store transfer conditioning information [Fernandez,

electronically access based on the measurable object condition, col 12 lines 5-20];

check response information sent from a second mobile terminal answering to

said information for transferring the data file [Fernandez, compared against current list

in database, col 12 lines 5-20]; and

transferring the data file to the second mobile terminal based on the checked

<u>response information</u>, wherein said transfer conditioning information includes a blocking

time period (i.e.: trigger time) set in the first mobile terminal by a user of when to block a

file transfer from the server to the second mobile terminal [Fernandez, scheduled or

trigger time, col 12 lines 30-40; second controller, col 17 line 25].

4.   As per claim 2, Fernandez discloses said transfer conditioning information further

includes identification information of the first and the second mobile terminal, and size

information of the data file to transfer network [Fernandez, electronic file transfer, col 14

line 50].

5.   As per claim 3, Fernandez discloses said information for transferring the data file

includes size information of the data file to transfer to original [Fernandez, electronic file

transfer, col 14 line 50].

6.   As per claim 4, Fernandez discloses said information for transferring the data file

further includes type information the data file to transfer [Fernandez, electronic file

transfer, col 14 line 50].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-7,10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fernandez et al [Fernandez 6,697,103 B1] in view of Garner [6,058,307].

7.   As per claim 12, Fernandez discloses A file transfer method, comprising:

setting a blocking time period at a first mobile terminal during which a file transfer is to

be blocked [Fernandez, schedule or trigger time, other measurable object condition for

electronic accessible, col 12 lines 5-40];

        selecting a file to transfer to a second mobile terminal [Fernandez, selecting a

local product source, col 24 line 9];

receiving by the second mobile terminal, a display message indicating the file
selected by the first mobile terminal is ready for transfer at a time not within the blocking
time period, said display also including a size of the file to be transferred [Fernandez,
reduced-size image, col 20 lines 1-5];

However Fernandez does not explicitly detail

delaying the file transfer from the file handling server until the second mobile
terminal is connected to an external apparatus having a sufficient memory capacity to
store the size of the file to be transferred.

Garner discloses a priority and preemption service system using FPLMTS
[Garner, col 13 lines 58-64], GPS [Garner, col 19 lines 39-46] and detect if insufficient
capacity is available, access delays will increase [Garner, col 68 lines 1-11]

Therefore it would have been obvious to an ordinary skill in the art at the time the
invention was made to incorporate the technique of delay the transfer information until
the sufficient capacity is available as taught by garner into the Fernandez's apparatus in
order to utilize the monitoring time and condition process.

Doing so would provide more flexible and scaleable solution fro monitoring and
processing remote objects [Fernandez, col 1 lines 25-30].

8.   As per claim 13, Fernandez-Garner disclose the file handling server stores a
plurality of other files to be transferred by other mobile terminals [Fernandez, server5,
Fig 1].

9.   As per claim 14, Fernandez-Garner disclose the file handling server first transfers

a file whose blocking time period is closest to a current time [Fernandez, real-time, col 2

line 1].

10.   As per claim 15, Fernandez-Garner disclose when the second mobile terminal is

connected to the external apparatus, the second mobile terminal sends information

about a memory capacity of the external apparatus to the file handling server and the

file handling server determines whether the memory capacity is sufficient to store the

file to be transferred [Garner, if insufficient capacity is available, access delays will

increase, col 68 lines 1-11].

11.   As per claim 16, Fernandez-Garner disclose the file handling server transmits an

error message to the second mobile terminal if the memory capacity is insufficient to

store the file to be transferred [Garner, if insufficient capacity is available, access delays

will increase, col 68 lines 1-11].

12.   As per claim 17, Fernandez-Garner disclose the file handling server transfers the

file to the external apparatus via the second mobile terminal if the memory capacity is

sufficient to store the file to be transferred and a current time is not within the blocking

time period [Garner, if insufficient capacity is available, access delays will increase, col

68 lines 1-11].

13.   As per claim 18, Fernandez-Garner disclose the file handling server further

transmits a message indicating a file transfer is in progress to the second mobile

terminal when the file is being transferred to the external apparatus [Fernandez, analyze

system status, col 15 lines 33-40].

14.   As per claim 19, Fernandez-Garner disclose the blocking time period is set by a

user [Fernandez, user customizable, col 8 line 44].

15.   As per claim 20, Fernandez-Garner disclose a method of providing a file transfer

service through a mobile communication network, comprising:

        storing a data file and transfer conditioning information thereof received from a

first mobile terminal connected through the mobile communication network [Fernandez,

server, col 3 line 19; other measurable object condition for electronic accessible, col 9

lines 25-37,col 12 lines 5-20];

        selecting one among the stored data files based on the stored transfer

conditioning information [Fernandez, user customizable, col 8 line 44]; and

        transferring the selected data file from the file handling server to a second mobile

terminal specified as a destination of the selected file [Garner, destination port ID

selected, col 64 lines 53-63],

        wherein the transfer condition information includes information of a blocking time

period set by a user of when to block a file transfer, wherein said selecting includes

selecting one data file whose transfer blocking time period is closest to a current time,

and wherein said transferring includes transmitting another data file to a third mobile
terminal specified as a destination of another selected data file if the selected data file is
not transferred to the second mobile terminal [Fernandez, next closest or available
server site, col 11 lines 52-64].

16.   As per claim 21, Fernandez discloses the blocking time period is set by a user
user [Fernandez, user customizable, col 8 line 44].

17.   As per claim 5, Fernandez-Garner disclose said response information includes
spare storage capacity information of a peripheral device connected to the second
mobile terminal [Garner, if insufficient capacity is available, access delays will increase,
col 68 lines 1-11].

18.   As per claim 6, Fernandez-Garner disclose said checking determines whether or
not to transmit the data file based on the response information and the stored transfer
conditioning information [Garner, if insufficient capacity is available, access delays will
increase, col 68 lines 1-11].

19.   As per claim 7, Fernandez-Garner disclose A method of providing a file transfer
service trough a mobile first network, comprising:

storing, at a server, a data file and transfer conditioning information thereof
received from a first mobile terminal connected through the mobile first network

[Fernandez, server, col 3 line 19; other measurable object condition for electronic accessible, col 9 lines 25-37,col 12 lines 5-20];

selecting one among the stored data files based on the stored transfer conditioning information [Fernandez, user customizable, col 8 line 44]; and

transferring the selected data file from the server to a second mobile terminal specified as a destination of the selected file [Garner, destination port ID selected, col 64 lines 53-63];

wherein the transfer condition information includes information of a blocking time period set by a user of when to block a file transfer, and wherein said selecting includes selecting one data file whose transfer blocking time period is closest to a current time [Fernandez, next closest or available server site, col 11 lines 52-64].

20.   As per claim 10, Fernandez-Garner disclose said blocking time period is set to a time period when voice traffic is normally congested [Garner, congestion control procedures, col 25 lines 44-56].

21.   As per claim 11, Fernandez-Garner disclose said transferring includes transmitting another data file selected next based on the transfer conditioning information from the server to a third mobile terminal specified as destination of the next selected file, if trials of making connection to the second mobile terminal fail [Fernandez, electronic file transfer, col 14 line 50].

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see *http://pair-direct.uspto.gov*. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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